



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202 – 2733

Office of the Regional Administrator

The Honorable Stevan Pearce  
United States House of Representatives  
Washington, D.C. 20510

Dear Congressman Pearce:

Thank you for your letter of September 13, 2016, to the U.S. Environmental Protection Agency, regarding your concerns about groundwater sampling activities at the Homestake Mining Company Site.

The EPA is committed to working closely with our federal and State partners to address radionuclide contamination from the Homestake site, and other sources in the San Mateo Creek Basin to protect public health. While cleanup standards were agreed to ten years ago, it is important to recognize and act on new information that ultimately impacts human health protection for citizens in the impacted area. Past cleanup standards were based on calculated background levels in this complex groundwater system. As we continue our oversight of the Homestake site and implement work throughout the San Mateo Creek Basin, we have increased our understanding of this complex groundwater system leading us to reevaluate previous assumptions. **The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires EPA to evaluate its previous assumptions relating to protection of public health whenever new information comes to light.**

The enclosed attachment provides additional responses to specific questions in your letter. If you have any questions, please contact me at (214) 665-2100, or your staff may contact Mr. Austin Vela, Congressional Liaison, at (214) 665-9792.

Sincerely,

Ron Curry  
Regional Administrator

cc: The Honorable Allison Macfarlane  
Chair, U.S. Nuclear Regulatory Commission

6SF-RL:APPAJI – CONTROL R6-16-001-2438 Pearce – Request for Info. Homestake Mining

APPAJI	ATKINS	MEYER	TRAVIS	PEYCKE	PHILLIPS	EDLUND
6SF-RL	6SF-RL	6SF-R	6RC-S	6RC-S	6SF-D	6SF

**Enclosure 1**  
**Answers to Specific Questions in September 13, 2016 Letter**

**1. Would you please provide my office with an explanation of the decision to conduct these groundwater sampling activities?**

The overarching driver for recent groundwater sampling is human health protection. Historical data recently shared with EPA suggests that background levels established in 2006 may not be representative of naturally occurring background levels for this region and are not protective of human health. For this reason, EPA is working with the United States Geological Survey (USGS) to better delineate naturally occurring levels of contamination from those caused by mining and milling operations.

**2. Who at the EPA is responsible for this decision for further sampling?**

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the EPA is responsible for remediation of hazardous waste sites, including necessary sampling to assess risk and confirm final remediation. Inherent with effective CERCLA remediation, EPA works in close coordination with other federal agencies (e.g., NRC, USGS), state agencies such as the New Mexico Environment Department, citizens, and responsible parties, so these parties likewise play a significant role in determining the need for further sampling.

**3. What is the intended goal for this decision for further sampling?**

As previously stated, the overarching goal for further sampling is human health protection. More specifically, sampling results will help determine whether current cleanup levels are truly representative of naturally occurring background levels and are appropriately protective of human health.

**4. Has EPA altered groundwater guidance?**

The EPA's objective is to restore groundwater. The groundwater guidance has not changed.

**5. According to the Memorandum of Understanding between NRC and the EPA, which was established to avoid dual regulation of the Site, the NRC is the primary oversight agency for Homestake. Has EPA Region 6 openly cooperated with NRC's lead regulator for the Homestake remediation activities?**

EPA has been working with NRC, as lead regulator to oversee and implement cleanup at the site. The intent of the Memorandum of Understanding (MOU) is for the agencies to work together and achieve the same goal of site cleanup and protection of public health. Over the years there have been programmatic changes and EPA has determined the need to complete a Record of Decision (ROD) prior to any consideration of deletion of the site from the National Priorities List (NPL). It should be noted that the CERCLA process is not regulatory in nature but a technical decision document that examines an array of Applicable or Relevant and Appropriate Requirements (ARARs) as criteria evaluated during remedy selection. The ROD enables EPA to ensure cleanup activities meet CERCLA requirements and will provide NRC, EPA's assurance of site cleanup for NRC license termination. EPA is committed to working with NRC to implement response actions in a complementary way, avoiding contradictory or redundant activities.

**6. Has there been a change within the Memorandum of Understanding as to which agency is the lead regulator?**

EPA has been working with NRC, as lead regulator, to implement and coordinate our respective programs, and there has been no change within the Memorandum of Understanding regarding which agency is the lead regulator.